

Senate Bill No. 408

CHAPTER 999

An act to amend Section 12208 of the Government Code, relating to the Secretary of State.

[Approved by Governor October 10, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 408, Alpert. Secretary of State: fees.

Existing law authorizes the Secretary of State to establish by regulation special handling fees in connection with the filing of documents, issuing of certificates, and other services performed by the office. Existing law also requires that these fees approximate the estimated cost of special handling and be accounted as expenditure reimbursements by the Secretary of State.

This bill would authorize the Secretary of State to charge fees which may be in different amounts not to exceed \$1,000 for preclearance documents and expedited filings, as specified, and would require the secretary to report to the Legislature on the implementation of these provisions. The bill would specify that the preclearance or expedited filing of documents by the Secretary of State shall be considered discretionary pursuant to other provisions exempting public employees from liability for discretionary acts or omissions.

The people of the State of California do enact as follows:

SECTION 1. Section 12208 of the Government Code is amended to read:

12208. (a) The Secretary of State may by regulation establish fees to be charged and collected for special handling in connection with filing of documents, issuing of certificates, and other services performed by him or her.

(b) Except as provided in subdivision (c), those fees shall approximate the estimated cost of special handling.

(c) Fees charged for preclearance of documents and expedited filings may be in different amounts, which shall not exceed one thousand dollars (\$1,000). Those fees may be charged only if the special handling does not cause disruption or delay in the process of normal handling of documents, and if the implementation of the special handling is supported by an appropriation in the Budget Act.

(d) Special handling fees shall be accounted as Secretary of State expenditure reimbursements.

(e) The preclearance or expedited filing of documents by the Secretary of State or his or her employees pursuant to this section shall be considered discretionary pursuant to Section 820.2.

SEC. 2. Notwithstanding Section 7550.5 of the Government Code, the Secretary of State shall provide a report to the Legislature within two years of implementation of the special handling provided for in subdivision (c) of Section 12208 of the Government Code. The report shall document the extent to which the special handling service is utilized, the fees charged, and comparative timeframes for regular and special handling regarding preclearance of documents and expedited filings. This section is repealed as of the January 1 following the submittal of the report to the Legislature.

